

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

★ MAR 30 2012 ★

LONG ISLAND OFFICE

THE ESTATE OF NATHAN L. SEROTA
d/b/a SEROTA PROPERTIES

Plaintiff,

v.

THE SEROTA ORGANIZATION, LLC,
SEROTA BROTHERS PARTNERSHIP,
CHARLES R. SEROTA,
GEOFFREY S. SEROTA, and
RAYMOND RODRIGUEZ,

Defendants.

CIVIL ACTION NO.

CV 12 1577

SUMMONS ISSUED

SEIDERT, J.
L. SAY, M.

COMPLAINT

For its complaint, Plaintiff The Estate of Nathan L. Serota d/b/a Serota Properties, by and through its undersigned attorneys, avers as follows:

NATURE OF THE ACTION

1. This is an action seeking a declaratory judgment that Plaintiff's use of its mark SEROTA PROPERTIES and SP SEROTA PROPERTIES w/design ("Plaintiff's marks"), used in connection with real estate management and real estate development services, does not infringe any rights of Defendants. Specifically, Defendants have asserted that Plaintiff's marks infringe U.S. Service Mark Registration No. 4,051,022 for SEROTA ORGANIZATION (Exh. 1) and U.S. Service Mark Appln. No. 85/520,178 for SEROTA BROTHERS (Exh. 2), and is likely to cause consumer confusion. As a result, a declaratory ruling is necessary to clarify Plaintiff's rights in the marks going forward.

2. In addition, Plaintiff asserts priority use of the marks SEROTA PROPERTIES and SP SEROTA PROPERTIES, and further asserts that Defendants' activities infringe and dilute Plaintiff's marks. Plaintiff seeks injunctive relief against Defendants for: (1) Federal False Designation of Origin in Commerce (15 U.S.C. §1125), (2) Common Law Trademark Infringement, (3) Common Law Unfair Competition, (4) New York Injury to Business Reputation (NY GBL §360-1), (5) New York Deceptive Trade Practices (NY

GBL §349), (6) New York Use of Name with Intent to Deceive (NY GBL §133), and (7) Tortious Interference with Business Relations.

THE PARTIES

3. Plaintiff is an estate consisting of the assets owned by the late Mr. Nathan L. Serota and is organized under the laws of the State of New York with its principal place of business at 70 East Sunrise Highway, Suite 610, Valley Stream, New York 11581.

4. Upon information and belief, Defendant The Serota Organization, LLC is a limited liability company organized under the laws of the State of New York with its principal place of business at 324 South Service Road, Suite 108, Melville, New York 11747.

5. Upon information and belief, Defendant Serota Brothers is a partnership organized under the laws of the State of New York, having as partners Geoffrey S. Serota and Charles R. Serota, with its principal place of business at 324 South Service Road, Suite 108, Melville, New York 11747.

6. Upon information and belief, Defendant Charles R. Serota is an individual with his principal place of business at 324 South Service Road, Suite 108, Melville, New York 11747.

7. Upon information and belief, Defendant Geoffrey S. Serota is an individual with his principal place of business at 324 South Service Road, Suite 108, Melville, New York 11747.

8. Upon information and belief, Defendant Raymond Rodriguez is an individual with his principal place of business at 821 E. Dove Loop Road, Suite 2423, Grapevine, Texas 76051.

VENUE AND JURISDICTION

9. Jurisdiction is proper in this Court because this litigation arises under federal law, namely, 15 U.S.C. §1051 et seq. (Lanham Act). The Court has jurisdiction over this action under 28 U.S.C. §1331 (federal question), 28 U.S.C. §1338(a) (trademarks), and 28 U.S.C. §2201 (Declaratory Judgment Act) and 28 U.S.C. §1367(a) (supplemental jurisdiction).

10. This Court has personal jurisdiction over Defendants, The Serota Organization, LLC, Serota Brothers Partnership, Charles R. Serota, and Geoffrey S. Serota because these Defendants are located or domiciled in this judicial district or are doing business here or alternatively because Defendants are subject to personal jurisdiction under NY CPLR §301.

11. This Court has personal jurisdiction over Defendant Raymond Rodriguez because Defendant Rodriguez does business in the State of New York and is subject to personal jurisdiction under NY CPLR §302.

12. Venue is proper in this judicial district under 28 U.S.C. §1391.

13. An actual case or controversy has arisen between the parties. Defendants have threatened litigation against Plaintiff, and have asserted that Plaintiff's use of its marks constitutes trademark infringement. These statements threaten injury to Plaintiff.

GENERAL ALLEGATIONS

14. The Serota Estate consists of assets transferred under The Last Will and Testament of Mr. Nathan L. Serota (the "Serota Will") at the time of or soon after his death on May 1, 2010.

15. The assets of the Serota Estate include ownership of approximately dozens of single purpose Limited Liability Companies (herein "LLCs"), with each single purpose LLC owning one commercial real estate property that was typically developed by Mr. Nathan Serota using the real estate development services that Mr. Nathan Serota offered under the SEROTA PROPERTIES trademark.

16. A majority of the commercial real estate properties owned by the single purpose LLCs are occupied by commercial tenants with whom the LLCs and/or their predecessors in interest had entered into written lease agreements and which Mr. Nathan Serota had provided real estate management services under the SEROTA PROPERTIES trademark.

17. Pursuant to the Last Will and Testament of Nathan L. Serota, certain of the LLCs and the properties related thereto are to be distributed to a number of trusts and consequently, those properties in which certain of these tenants are located do and will

continue to receive real estate services provided under the SEROTA PROPERTIES trademark. In addition, several other LLCs will eventually be distributed directly to beneficiaries but for the time being are still under the control of the Estate under the SEROTA PROPERTIES trademark.

18. The real estate management services provided under the SEROTA PROPERTIES trademark are well known to consumers and throughout the real estate industry as a whole and are widely considered as being of the highest quality.

19. In regards to real estate development and management of real estate holdings, the SEROTA PROPERTIES trademark has been in continuous use since at least as early as January 1, 1999, in regards to providing real estate management, leasing and development services.

20. All common law rights and value in the SEROTA PROPERTIES trademark is now owned by the Serota Estate.

21. The intellectual property owned by the Serota Estate includes common law rights to the SEROTA PROPERTIES trademark in regards to real estate development services and real estate management services.

22. The intellectual property owned by the Serota Estate further includes U.S. Trademark Appl. No. 85/570,258 for SEROTA PROPERTIES that has been in continuous use since at least January 1, 1999, in regards to real estate development services and real estate management services. (Exh. 3)

23. The intellectual property owned by the Serota Estate also includes U.S. Trademark Appl. No. 85/298,321 for SP SEROTA PROPERTIES, with special form drawing of the mark including design logo, which has been in continuous use since at least May 1, 2008, in regards to real estate development services and real estate management services. (Exh. 4.)

24. The SEROTA PROPERTIES mark has acquired distinctiveness from use during at least the past decade, as well as the fame acquired through the success of the businesses of Mr. Nathan Serota beginning in the early 1960's, which ultimately utilized the SEROTA PROPERTIES trademark at least as early as January 1, 1999.

25. Serota Properties has incurred significant expenses associated with advertising and promoting of the SEROTA PROPERTIES trademark.

26. Before the death of Mr. Nathan Serota, Defendants Charles R. Serota and Geoffrey S. Serota were employed by their father Mr. Nathan Serota in various capacities.

27. Before the death of Mr. Nathan Serota, a New York Developers Group (NYDG) was formed as an informal group of executives and/or representatives of the principal retail real estate development companies and real estate management companies in the New York metropolitan area.

28. Mr. Nathan Serota was a founding member of the NYDG, and actively participated in the NYDG on behalf of Serota Properties.

29. On information and belief, the NYDG continues and presently includes approximately a dozen members.

30. On information and belief, a primary goal of the NYDG is to plan, coordinate and sponsor a single NYDG party in conjunction with the ISCS ReCon (herein the "NYDG Las Vegas party"), in order to promote New York retail properties to national and/or regional tenants, and other real estate lenders.

31. The NYDG Las Vegas party is a very highly regarded event, and an invitation-only event.

32. For providers of New York retail real estate, leasing and development services and real estate development services including Serota Properties, the annual NYDG Las Vegas party is the single most important event to meet representatives of various national and regional retailers and members of the trade.

33. Serota Properties has developed significant goodwill in the trade from its NYDG membership, primarily from the associated sponsorship of and participation in the NYDG Las Vegas party.

34. This goodwill is among the assets now owned by the Serota Estate, which continued the tradition of NYDG membership and participation in the NYDG Las Vegas party, after the death of Mr. Nathan Serota.

35. To finance the annual NYDG Las Vegas party and other miscellaneous activities, each NYDG member typically pays an annual fee for that year's NYDG Las Vegas party. Serota Properties has incurred significant expense, at least in view of the costs involved with participating over the last ten years sponsoring and attending the NYDG annual parties. As a founding member, each year since the inception of the NYDG through 2011, Mr. Nathan Serota paid all such fees on behalf of Serota Properties.

36. Payment of the annual fee provides to Serota Properties important benefits, including: identifying Serota Properties as a sponsor of the well-regarded annual NYDG party; receiving a block of tickets for distribution to business associates of Serota Properties well in advance of the invitation-only NYDG party; prominent identification of Serota Properties as a sponsor of the party; and inclusion in an NYD Journal that the NYDG typically publishes biannually.

37. On information and belief, Defendant Raymond Rodriguez publishes the NYD Journal on behalf of the NYDG.

38. Each year for at least the past decade, Mr. Nathan Serota, through the date of his passing, and Serota Properties received the benefit and acquired the goodwill associated with the publication of the SEROTA PROPERTIES trademark at the NYDG party, at associated trade events, and in the NYD Journal.

39. Recent acts of Defendant Charles R. Serota have precluded acceptance of Serota Properties' 2012 payment to the NYDG for sponsorship and participation in the NYDG party and inclusion in the NYD Journal.

40. The recent acts of Defendant Charles R. Serota interfere with Serota Properties' ability to participate in NYDG Las Vegas party and participation in the NYDG party and inclusion in the NYD Journal.

41. The recent acts of Defendant Charles R. Serota will deprive the Serota Estate of the benefits associated with participating as a sponsor in the upcoming NYDG party, which on information and belief is scheduled for May 22, 2012, at the Bellagio Hotel in Las Vegas, Nevada.

42. By letter dated March 15, 2012, Defendants THE SEROTA ORGANIZATION, LLC, Charles R. Serota and Geoffrey S. Serota sent a letter alleging violation of these

Defendants' federal and common law trademark rights infringement, in view of Plaintiff's use of its SEROTA PROPERTIES trademark. (Exh. 5.)

43. These allegations by Defendants THE SEROTA ORGANIZATION, LLC, Charles R. Serota and Geoffrey S. Serota are without basis and will cause Plaintiff to suffer imminent and irreparable harm.

CLAIMS FOR RELIEF

CLAIM ONE

(Declaratory Judgment of Non-Infringement of Trademark)

44. Plaintiff repeats and realleges each and every paragraph set forth above as if fully set forth herein.

45. Defendants have claimed Plaintiff has infringed U.S. Service Mark Registration No. 4,051,022 for the mark SEROTA ORGANIZATION, and has threatened to bring a lawsuit against Plaintiff on this basis.

46. Plaintiff's use of the mark SEROTA PROPERTIES does not infringe any existing and valid trademark right of Defendants under the Lanham Act, 15 U.S.C. §1114.

47. An actual, present and justifiable controversy has arisen between Plaintiff and Defendants concerning Plaintiff's right to use the mark SEROTA PROPERTIES.

48. Plaintiff seeks declaratory judgment from this Court that its use of the mark SEROTA PROPERTIES does not constitute trademark infringement under the Lanham Act, 15 U.S.C. §1114.

CLAIM TWO

Federal False Designation of Origin

49. Plaintiff repeats and realleges each and every paragraph set forth above as if fully set forth herein.

50. In violation of 15 U.S.C. §1125 (a), Defendants have used in commerce, without Plaintiff's authorization or consent, the marks SEROTA ORGANIZATION and SEROTA BROTHERS, which are highly similar to Plaintiff's common law marks SEROTA PROPERTIES and SP SEROTA PROPERTIES w/design logo.

51. Such acts by Defendants are likely to cause confusion and deception among the purchasing public and/or are likely to lead the consuming public to believe that Plaintiff has authorized, approved or somehow sponsored Defendants' use of the marks SEROTA ORGANIZATION and SEROTA BROTHERS in connection with Defendants' services.

52. Defendants' false designation of origin and false description through Defendants' use of the marks SEROTA ORGANIZATION and SEROTA BROTHERS has caused, and if not enjoined will continue to cause, irreparable and continuing harm to Plaintiff's service marks, business reputation, and goodwill, for which Plaintiff has no adequate remedy at law.

53. As a direct and proximate result of Defendants' wrongful use of the marks SEROTA ORGANIZATION and SEROTA BROTHERS, Plaintiff has been and will continue to be damaged by, without limitation, the diminution in the value of its trademarks, reputation, business and goodwill in an amount to be proven at trial.

54. The acts of Defendants complained of herein constitute false description and false designation of origin, all in violation of 15 U.S.C. §1125 (a).

CLAIM THREE
Common Law Trademark Infringement

55. Plaintiff repeats and realleges each and every paragraph set forth above as if fully set forth herein.

56. Defendants' acts alleged herein and specifically, without limitation, Defendants' use of the marks SEROTA ORGANIZATION and SEROTA BROTHERS infringe Plaintiff's exclusive trademark rights in the mark SEROTA PROPERTIES, in violation of the common law.

57. Defendants' acts as alleged above, if not enjoined, will continue. Plaintiff has no adequate remedy at law in that the amount of damages is difficult to ascertain with specificity.

58. As a result of Defendants' acts as alleged above, Plaintiff has incurred damages in an amount to be proven at trial consisting of, among other thing, diminution in the value of the goodwill associated with Plaintiff's marks.

CLAIM FOUR
Common Law Unfair Competition

59. Plaintiff repeats and realleges each and every paragraph set forth above as if fully set forth herein.

60. In violation of the common law of the State of New York and elsewhere, Defendants have unfairly competed with Plaintiff.

CLAIM FIVE
New York Injury to Business Reputation

61. Plaintiff repeats and realleges each and every paragraph set forth above as if fully set forth herein.

62. In violation of NY GBL §360-l, Defendants have injured Plaintiff's business reputation and have diluted the distinctive quality of the marks owned by Plaintiff.

63. Plaintiff's marks are distinctive within the meaning of NY GBL §360-a.

64. Defendants' marks are confusingly similar to Plaintiff's marks.

65. The acts of Defendants complained of herein constitute injury to Plaintiff's business reputation and dilution. Defendants' acts as alleged above, if not enjoined, will continue.

CLAIM SIX
New York Deceptive Trade Practices

66. Plaintiff repeats and realleges each and every paragraph set forth above as if fully set forth herein.

67. In violation of NY GBL §349, Defendants are advertising and offering services under a mark which is confusingly similar to Plaintiff's mark.

68. The acts of Defendants complained of herein constitute deceptive trade practices. Defendants' acts as alleged above, if not enjoined, will continue.

CLAIM SEVEN
New York Use of Name with Intent to Deceive

69. Plaintiff repeats and realleges each and every paragraph set forth above as if fully set forth herein.

70. In violation of NY GBL §133, Defendants, with an intent to deceive or mislead the public, have adopted and are using a service mark, corporate and trade name, for advertising purposes or for purposes of trade, which is likely to deceive or mislead the public as to the identity of Defendants or as to the connection of Defendants with Plaintiff.

71. The acts of Defendants complained of herein constitute use of a name with intent to deceive. Defendants' acts as alleged above, if not enjoined, will continue.

CLAIM EIGHT
Tortious Interference with Business Relations

72. Plaintiff repeats and realleges each and every paragraph set forth above as if fully set forth herein.

73. In violation of the common law of the State of New York and elsewhere, Defendants tortiously interfered with a business relation of Plaintiff.

74. Plaintiff has business relations with the New York Developers Group.

75. Defendants knew of this business relationship and interfered with those business relations by actively lobbying members of the New York Developers Group in an effort to prevent Plaintiff from sponsoring the upcoming New York Developers Group party to be held in Las Vegas in May 2012 and to prevent Plaintiff from placing an advertisement in the upcoming New York Developers Journal supporting the Las Vegas party.

76. Defendants acted for a wrongful purpose with the intent to harm Plaintiff.

77. Defendants' act injured Plaintiff's relationship with the New York Developers Group and its members.

78. The acts of Defendants complained of herein constitute tortuous interference with business relations. Defendants' acts as alleged above, if not enjoined, will continue.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, prays that:

1. The Court declares that Plaintiff's SEROTA PROPERTIES marks do not infringe any existing and valid trademark right of Defendants.
2. The Court orders Defendants to surrender for cancellation U.S. Trademark Registration No. 4,051,022 for the mark SEROTA ORGANIZATION.
3. The Court orders Defendants to expressly abandon U.S. Service Mark Appln. No. 85/520,178 for SEROTA BROTHERS.
4. The Court orders Defendants, their agents, servants, employees and all persons acting in concert or participating with Defendants, be temporarily, preliminarily and permanently enjoined and restrained from:
 - a. Using, in connection with their business affairs, any mark utilizing the term "Serota" as the primary element thereof or colorable imitations thereof, including but not limited to, "SEROTA ORGANIZATION" and/or "SEROTA BROTHERS";
 - b. Using any mark confusingly similar to Plaintiff's mark "SEROTA PROPERTIES", including but not limited to, "SEROTA ORGANIZATION" and/or "SEROTA BROTHERS" in connection with real estate services, including real estate development services and real estate management services;
 - c. Using any corporate or trade name incorporating Plaintiff's mark SEROTA PROPERTIES;
 - d. Advertising in any publication associated with the New York Developers Group journal marks that include the term "SEROTA", other than advertisements that use the respective full names of CHARLES R. SEROTA and GEOFFREY S. SEROTA, in a manner that implies any grant of any right to provide marketing of real estate developments services or real estate management services as a successor of Nathan L. Serota;
 - e. Committing any acts calculated to cause the public to believe that any Defendants' services are offered under the control and supervision of Plaintiff or sponsored or approved by, or in connection with Plaintiff;

f. Further diluting and infringing Plaintiff's trademarks and damaging Plaintiff's goodwill;

g. Otherwise unfairly competing with Plaintiff; and

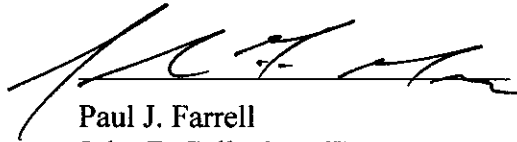
h. Assisting, aiding or abetting any other person or business entity to engage in or to perform any of the activities referenced in subparagraphs __ through __ above.

5. Plaintiff be awarded its reasonable attorneys' fees and costs.

6. Plaintiff recover such other relief as this Court deems appropriate.

Dated: March 30, 2012

Respectfully submitted by:



Paul J. Farrell

John F. Gallagher, III

Serge Krimnus

THE FARRELL LAW FIRM, P.C.

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Melville, NY 11747

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Attorneys for Plaintiff,

THE ESTATE OF NATHAN L. SEROTA

d/b/a SEROTA PROPERTIES

Exhibit 1

United States of America

United States Patent and Trademark Office

SEROTA ORGANIZATION

Reg. No. 4,051,022

Registered Nov. 1, 2011

Int. Cl.: 37

SERVICE MARK

SUPPLEMENTAL REGISTER

THE SEROTA ORGANIZATION LLC (NEW YORK LIMITED LIABILITY COMPANY)
70 EAST SUNRISE HIGHWAY
VALLEY STREAM, NY 11581

FOR: REAL ESTATE DEVELOPMENT SERVICES, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 5-28-2011; IN COMMERCE 5-28-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ORGANIZATION", APART FROM THE MARK AS SHOWN.

SER. NO. 85-156,278, FILED P.R. 10-19-2010; AM. S.R. 8-1-2011.

EDWARD NELSON, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/30/2011)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85156278
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION (current)	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	THE SEROTA ORGANIZATION
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
MARK SECTION (proposed)	
MARK	SEROTA ORGANIZATION
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SEROTA ORGANIZATION
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
<p>Applicant hereby requests that this application be amended to one seeking registration of the mark on the Supplemental Register - instead of on the Principal Register as originally filed. With the grant of this request, and the resulting amendment of the application, the Section 2(e)(4) "primarily merely a surname" refusal set forth in the Office Action is deemed to be moot. An Affidavit of Use with respect to the services remaining in this application is being filed concurrently herewith in support of this request and amendment.</p> <p>Request is also being made herein to amend the mark from "THE SEROTA ORGANIZATION" to "SEROTA ORGANIZATION". This amendment of the mark is submitted to be minor in nature and to not affect the character or basic nature of the mark, and is therefore not believed to constitute an impermissible material change to the mark.</p>	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	037

DESCRIPTION	Real estate management and development services
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	037
TRACKED TEXT DESCRIPTION	
Real estate management and development services; Real estate development services	
FINAL DESCRIPTION	Real estate development services
FIRST USE ANYWHERE DATE	At least as early as 05/28/2011
FIRST USE IN COMMERCE DATE	At least as early as 05/28/2011
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Lance J Lieberman/
SIGNATORY'S NAME	Lance J Lieberman
SIGNATORY'S POSITION	Attorney of record and Member of the Bar of the State of New York
DATE SIGNED	08/01/2011
RESPONSE SIGNATURE	/Lance J Lieberman/
SIGNATORY'S NAME	Lance J Lieberman
SIGNATORY'S POSITION	Attorney of record and Member of the Bar of the State of New York
DATE SIGNED	08/01/2011
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Aug 01 11:19:42 EDT 2011
TEAS STAMP	USPTO/ROA-38.98.229.171-2 0110801111942440390-85156 278-4801cd0391a3bf78a871a bed9c9b50de8a-N/A-N/A-201 10801105443197289

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. 85156278 has been amended as follows:

MARK

Applicant proposes to amend the mark as follows:

Current: THE SEROTA ORGANIZATION (standard characters)

Proposed (USPTO generated image): SEROTA ORGANIZATION (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Applicant hereby requests that this application be amended to one seeking registration of the mark on the Supplemental Register - instead of on the Principal Register as originally filed. With the grant of this request, and the resulting amendment of the application, the Section 2(e)(4) "primarily merely a surname" refusal set forth in the Office Action is deemed to be moot. An Affidavit of Use with respect to the services remaining in this application is being filed concurrently herewith in support of this request and amendment.

Request is also being made herein to amend the mark from "THE SEROTA ORGANIZATION" to "SEROTA ORGANIZATION". This amendment of the mark is submitted to be *minor* in nature and to not affect the character or basic nature of the mark, and is therefore not believed to constitute an impermissible material change to the mark.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 037 for Real estate management and development services

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: ~~Real estate management and development services;~~ Real estate development services

Class 037 for Real estate development services

Deleted Filing Basis: 1(b)

In International Class 037, the mark was first used at least as early as 05/28/2011. and first used in commerce at least as early as 05/28/2011.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the

applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Lance J Lieberman/ Date: 08/01/2011

Signatory's Name: Lance J Lieberman

Signatory's Position: Attorney of record and Member of the Bar of the State of New York

Response Signature

Signature: /Lance J Lieberman/ Date: 08/01/2011

Signatory's Name: Lance J Lieberman

Signatory's Position: Attorney of record and Member of the Bar of the State of New York

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85156278

Internet Transmission Date: Mon Aug 01 11:19:42 EDT 2011

TEAS Stamp: USPTO/ROA-38.98.229.171-2011080111194244

0390-85156278-4801cd0391a3bf78a871abed9c

9b50de8a-N/A-N/A-20110801105443197289

SEROTA ORGANIZATION

A New Beginning



To all our friends in the real estate industry

WE LOOK FORWARD TO WORKING WITH YOU AT OUR NEW COMPANY

Since 1967, working with our father, Nathan, a true real estate pioneer, we've helped to shape Long Island's real estate landscape, developing millions of square feet of shopping centers, office buildings, and industrial properties as well as single family housing.

At the same time, we learned to help people in need, donating expertise and financial support to organizations like The Long Island Housing Partnership, the Association for a Better Long Island and the NY Developers Group.

Now, we're going to continue to build for the 21st century, at our own company:

Serota Organization.

Our business plan is simple;

Working with the network of people we've built in the industry,
develop the kind of real estate that Long Island needs, in the best locations;
And we always leave time for helping others.

Our new office is located at:
324 S Service Road, Suite 108,
Melville, NY 11747 / 631-300-3600.

Come on by! We're looking forward
to working with you again.



The developer with the long Long Island history

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register

Serial Number: 85156278

Filing Date: 10/19/2010

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85156278
MARK INFORMATION	
*MARK	THE SEROTA ORGANIZATION
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	THE SEROTA ORGANIZATION
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	The Serota Organization LLC
*STREET	70 East Sunrise Highway
*CITY	Valley Stream
*STATE (Required for U.S. applicants)	New York
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	11581
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	New York
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	037

*IDENTIFICATION	Real estate management and development services
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Lance J. Lieberman
ATTORNEY DOCKET NUMBER	5961-2
FIRM NAME	Cohen Pontani Lieberman & Pavane LLP
INTERNAL ADDRESS	Suite 1210
STREET	551 Fifth Avenue
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10176-1022
PHONE	212-687-2770
FAX	212-972-5487
EMAIL ADDRESS	docket@cplplaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Thomas C. Pontani, Ph.D.; Martin B. Pavane; Thomas Langer; Michael C. Stuart; Edward M. Weisz; Kent H. Cheng, Ph.D.; Julia Kim; Alfred W. Froeblich; Lisa A. Ferrari; Alan J. Morrison; Alan Tenebaum; Vincent M. Fazzari; Alfred H. Hemingway, Jr.; Roger S. Thompson; Teodor J. Holmberg; Darren S. Mogil; Mher Hartoonian; Alphonso A. Collins; Marilyn Neiman; Hua Gao; Enshan Hong; Ian R. Blum; Delphine Puybureau-Manaud; Aaron A. Mace; Steven T. Shelton
CORRESPONDENCE INFORMATION	
NAME	Lance J. Lieberman
FIRM NAME	Cohen Pontani Lieberman & Pavane LLP
INTERNAL ADDRESS	Suite 1210
STREET	551 Fifth Avenue
CITY	New York
STATE	New York

COUNTRY	United States
ZIP/POSTAL CODE	10176-1022
PHONE	212-687-2770
FAX	212-972-5487
EMAIL ADDRESS	docket@cplplaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/Lance J. Lieberman/
SIGNATORY'S NAME	Lance J. Lieberman
SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	10/19/2010

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register

Serial Number: 85156278

Filing Date: 10/19/2010

To the Commissioner for Trademarks:

MARK: THE SEROTA ORGANIZATION (Standard Characters, see mark)

The literal element of the mark consists of THE SEROTA ORGANIZATION.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, The Serota Organization LLC, a limited liability company legally organized under the laws of New York, having an address of

70 East Sunrise Highway
Valley Stream, New York 11581
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 037: Real estate management and development services

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Lance J. Lieberman and Thomas C. Pontani, Ph.D.; Martin B. Pavane; Thomas Langer; Michael C. Stuart; Edward M. Weisz; Kent H. Cheng, Ph.D.; Julia Kim; Alfred W. Froeblich; Lisa A. Ferrari; Alan J. Morrison; Alan Tenebaum; Vincent M. Fazzari; Alfred H. Hemingway, Jr.; Roger S. Thompson; Teodor J. Holmberg; Darren S. Mogil; Mher Hartoonian; Alphonso A. Collins; Marilyn Neiman; Hua Gao; Enshan Hong; Ian R. Blum; Delphine Puybureau-Manaud; Aaron A. Mace; Steven T. Shelton of Cohen Pontani Lieberman & Pavane LLP

Suite 1210
551 Fifth Avenue
New York, New York 10176-1022
United States

The attorney docket/reference number is 5961-2.

The applicant's current Correspondence Information:

Lance J. Lieberman
Cohen Pontani Lieberman & Pavane LLP
Suite 1210
551 Fifth Avenue

New York, New York 10176-1022
212-687-2770(phone)
212-972-5487(fax)
docket@cplplaw.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Lance J. Lieberman/ Date Signed: 10/19/2010
Signatory's Name: Lance J. Lieberman
Signatory's Position: Attorney for Applicant

RAM Sale Number: 3634
RAM Accounting Date: 10/20/2010

Serial Number: 85156278
Internet Transmission Date: Tue Oct 19 16:54:11 EDT 2010
TEAS Stamp: USPTO/BAS-38.108.205.67-2010101916541112
5845-85156278-470d36e221eaddc429b386bc2d
b7bcfd6-DA-3634-20101019164214827253

THE SEROTA ORGANIZATION

THE SEROTA ORGANIZATION

Exhibit 2

PTO Form 1478 (Rev. 9/2006)
OMB No. 0651-0009 (Exp. 12/31/2011)

Trademark/Service Mark Application, Principal Register

Serial Number: 85520178

Filing Date: 01/19/2012

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85520178
MARK INFORMATION	
*MARK	<u>SEROTA BROTHERS</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SEROTA BROTHERS
MARK STATEMENT	The mark consists of standard characters, without claim to any particular style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Serota Brothers
*STREET	324 South Service Road, Suite 108
*CITY	Melville
*STATE (Required for U.S. applicants)	New York
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	11747
LEGAL ENTITY INFORMATION	
TYPE	partnership
STATE/COUNTRY WHERE LEGALLY ORGANIZED	New York
NAME(S) OF GENERAL PARTNER(S) & CITIZENSHIP/INCORPORATION	Geoffrey S. Serota Charles R. Serota
GOODS AND/OR SERVICES AND BASIS INFORMATION	

INTERNATIONAL CLASS	037
*IDENTIFICATION	REAL ESTATE DEVELOPMENT SERVICES
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 05/01/1984
FIRST USE IN COMMERCE DATE	At least as early as 05/01/1984
SPECIMEN FILE NAME(S)	
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	\\TICRS\EXPORT11\IMAGEOUT11\855\201\85520178\xml1\APP0015
SPECIMEN DESCRIPTION	a scanned image of a deed showing the mark as used
ATTORNEY INFORMATION	
NAME	Anthony F. Lo Cicero
ATTORNEY DOCKET NUMBER	77000/5
FIRM NAME	Amster, Rothstein & Ebenstein LLP
STREET	90 Park Avenue
CITY	New York
STATE	New York
COUNTRY	United States

ZIP/POSTAL CODE	10016
PHONE	212-336-8000
FAX	212-336-8001
EMAIL ADDRESS	ptodocket@arelaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Morton Amster, Daniel Ebenstein, Philip H. Gottfried, Neil M. Zipkin, Anthony F. Lo Cicero, Kenneth P. George, Abraham Kasdan, Ira E. Silfir Chester Rothstein, Craig J. Arnold, Joseph M. Casino, Michael V. Solomi Charles R. Macedo, Michael J. Kasdan, Marion P. Metelski, Alan D. Mill Holly Pekowsky, Max Vern, Brian A. Comack, Richard S. Mandaro, Mar Jason, David A. Boag, Matthieu Hausig, Jung S. Hahn, Norajean McCaff Benjamin Charkow, Robert D. Burak, Samuel Lo, Suzue Fujimori, David Widomski, Jessica Capasso, Brian Amos, Andrei Voingescu, Sanjeev Me and Robert M. Bilotta, Jr.
CORRESPONDENCE INFORMATION	
NAME	Anthony F. Lo Cicero
FIRM NAME	Amster, Rothstein & Ebenstein LLP
STREET	90 Park Avenue
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10016
PHONE	212-336-8000
FAX	212-336-8001
EMAIL ADDRESS	ptodocket@arelaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/Anthony F. Lo Cicero/

SIGNATORY'S NAME	Anthony F. Lo Cicero
SIGNATORY'S POSITION	Attorney of Record, NYS Bar Member
DATE SIGNED	01/19/2012

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0008 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register

Serial Number: 85520178

Filing Date: 01/19/2012

To the Commissioner for Trademarks:

MARK: SEROTA BROTHERS (Standard Characters, see mark)

The literal element of the mark consists of SEROTA BROTHERS.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Serota Brothers, a partnership legally organized under the laws of New York, having as partner(s) Geoffrey S. Serota Charles R. Serota, having an address of

324 South Service Road, Suite 108

Melville, New York 11747

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 037: REAL ESTATE DEVELOPMENT SERVICES

In International Class 037, the mark was first used by the applicant or the applicant's related company or licensee at least as early as 05/01/1984, and first used in commerce at least as early as 05/01/1984, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) a scanned image of a deed showing the mark as used.

Original PDF file:

SPE0-208229218102-102511663 . SEROTABROTHERS Specimen.pdf

Converted PDF file(s) (13 pages)

Specimen File1

Specimen File2

Specimen File3

Specimen File4

Specimen File5

Specimen File6

Specimen File7

Specimen File8

Specimen File9

Specimen File10

Specimen File11

Specimen File12

Specimen File13

The applicant's current Attorney Information:

Anthony F. Lo Cicero and Morton Amster, Daniel Ebenstein, Philip H. Gottfried, Neil M. Zipkin, Anthony F. Lo Cicero, Kenneth P. George, Abraham Kasdan, Ira E. Silfin, Chester Rothstein, Craig J. Arnold, Joseph M. Casino, Michael V. Solomita, Charles R. Macedo, Michael J. Kasdan, Marion P. Metelski, Alan D. Miller, Holly Pekowsky, Max Vern, Brian A. Comack, Richard S. Mandaro, Marc J. Jason, David A. Boag, Matthieu Hausig, Jung S. Hahm, Norajean McCaffrey, Benjamin Charkow, Robert D. Burak, Samuel Lo, Suzue Fujimori, David R. Widomski, Jessica Capasso, Brian Amos, Andrei Voingescu, Sanjeev Mehta and Robert M. Bilotta, Jr. of Amster, Rothstein & Ebenstein LLP

90 Park Avenue

New York, New York 10016

United States

The attorney docket/reference number is 77000/5.

The applicant's current Correspondence Information:

Anthony F. Lo Cicero

Amster, Rothstein & Ebenstein LLP

90 Park Avenue

New York, New York 10016

212-336-8000(phone)

212-336-8001(fax)

ptodocket@arelaw.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Anthony F. Lo Cicero/ Date Signed: 01/19/2012

Signatory's Name: Anthony F. Lo Cicero

Signatory's Position: Attorney of Record, NYS Bar Member

RAM Sale Number: 102
RAM Accounting Date: 01/20/2012

Serial Number: 85520178
Internet Transmission Date: Thu Jan 19 13:51:14 EST 2012
TEAS Stamp: USPTO/BAS-208.229.218.102-20120119135114
961717-85520178-4906b13a223bffa94620a611
bc7bb66e-DA-102-20120119134925181541

SEROTA BROTHERS

Exhibit 3

SEROTA ORGANIZATION

PTO Form 1476 (Rev 9/2006)
OMB No. 0851-0009 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register

Serial Number: 85570258

Filing Date: 03/15/2012

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85570258
MARK INFORMATION	
*MARK	SEROTA PROPERTIES
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SEROTA PROPERTIES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	The Executors of the Nathan L. Serota Estate
*STREET	70 East Sunrise Highway, Suite 610
*CITY	Valley Stream
*STATE (Required for U.S. applicants)	New York
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	11581
LEGAL ENTITY INFORMATION	
TYPE	estate
STATE/COUNTRY WHERE LEGALLY ORGANIZED	New York
NAME(S) OF EXECUTOR(S) & CITIZENSHIP/INCORPORATION	Joseph W. Scimone, an individual of U.S. citizenship
GOODS AND/OR SERVICES AND BASIS INFORMATION	

INTERNATIONAL CLASS	036
*IDENTIFICATION	Real estate management services
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1999
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1999
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPE0-742173755-122407661 . specimen.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT11\IMAGEOUT11\855\702\85570258\xml1\APP0003
	\\TICRS\EXPORT11\IMAGEOUT11\855\702\85570258\xml1\APP0004
SPECIMEN DESCRIPTION	advertising material from Applicant's website
INTERNATIONAL CLASS	037
*IDENTIFICATION	Real estate development services
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1999
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1999
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPE0-742173758-122407661 . specimen.pdf
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	\\TICRS\EXPORT11\IMAGEOUT11\855\702\85570258\xml1\APP0006
SPECIMEN DESCRIPTION	advertising material from Applicant's website
ATTORNEY INFORMATION	
NAME	Wendy A. Greenseich
ATTORNEY DOCKET NUMBER	2126-3
FIRM NAME	The Farrell Law Firm, P.C.
STREET	290 Broadhollow Road, Suite 210E
CITY	Melville
STATE	New York
COUNTRY	United States

ZIP/POSTAL CODE	11747
PHONE	(516) 228-3565
FAX	(516) 228-8475
EMAIL ADDRESS	genmail@farrelliplaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Paul J. Farrell, Douglas M. Owens III, John F. Gallagher III, Ryan C. Car Patrick Y. Mirville, Robert W. Griffith, Chulwoo Lee, Serge Krimnus, La Akopyan and Brian R. Volk
CORRESPONDENCE INFORMATION	
NAME	Wendy A. Greenseich
FIRM NAME	The Farrell Law Firm, P.C.
STREET	290 Broadhollow Road, Suite 210E
CITY	Melville
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	11747
PHONE	(516) 228-3565
FAX	(516) 228-8475
EMAIL ADDRESS	genmail@farrelliplaw.com; wag@farrelliplaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	325
*TOTAL FEE DUE	650
*TOTAL FEE PAID	650
SIGNATURE INFORMATION	
SIGNATURE	/wag/
SIGNATORY'S NAME	Wendy A. Greenseich
SIGNATORY'S POSITION	Attorney of Record, NY and CT bar member
DATE SIGNED	03/15/2012

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register

Serial Number: 85570258

Filing Date: 03/15/2012

To the Commissioner for Trademarks:

MARK: SEROTA PROPERTIES (Standard Characters, see mark)

The literal element of the mark consists of SEROTA PROPERTIES.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, The Executors of the Nathan L. Serota Estate, an estate legally organized under the laws of New York, comprising of Joseph W. Scimone, an individual of U.S. citizenship, having an address of
70 East Sunrise Highway, Suite 610
Valley Stream, New York 11581
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 036: Real estate management services

In International Class 036, the mark was first used by the applicant or the applicant's related company or licensee at least as early as 00/00/1999, and first used in commerce at least as early as 00/00/1999, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) advertising material from Applicant's website.

Original PDF file:

[SPE0-742173755-122407661 . specimen.pdf](#)

Converted PDF file(s) (2 pages)

[Specimen File1](#)

[Specimen File2](#)

International Class 037: Real estate development services

In International Class 037, the mark was first used by the applicant or the applicant's related company or licensee at least as early as 00/00/1999, and first used in commerce at least as early as 00/00/1999, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) advertising material from Applicant's website.

Original PDF file:

SPE0-742173758-122407661 . specimen.pdf

Converted PDF file(s) (2 pages)

Specimen File1

Specimen File2

The applicant's current Attorney Information:

Wendy A. Greenseich and Paul J. Farrell, Douglas M. Owens III, John F. Gallagher III, Ryan C. Carter, Patrick Y. Mirville, Robert W. Griffith, Chulwoo Lee, Serge Krimnus, Lana Akopyan and Brian R. Volk of The Farrell Law Firm, P.C.

290 Broadhollow Road, Suite 210E

Melville, New York 11747

United States

The attorney docket/reference number is 2126-3.

The applicant's current Correspondence Information:

Wendy A. Greenseich

The Farrell Law Firm, P.C.

290 Broadhollow Road, Suite 210E

Melville, New York 11747

(516) 228-3565(phone)

(516) 228-8475(fax)

genmail@farrelliplaw.com;wag@farrelliplaw.com (authorized)

A fee payment in the amount of \$650 has been submitted with the application, representing payment for 2 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /wag/ Date Signed: 03/15/2012

Signatory's Name: Wendy A. Greenseich

Signatory's Position: Attorney of Record, NY and CT bar member

RAM Sale Number: 12068

RAM Accounting Date: 03/15/2012

Serial Number: 85570258

Internet Transmission Date: Thu Mar 15 12:44:42 EDT 2012

TEAS Stamp: USPTO/BAS-74.217.37.56-20120315124442070

628-85570258-4909b2eb19de66356b2ed27498b

e629b276-DA-12068-20120315122407661347

SEROTA PROPERTIES

„Serota Properties:„

Page 1 of 1



(516) 561-8500
70 East Sunrise Highway
Valley Stream, NY 11581

Home

About Us

Firm

Portfolio

News & Events

Contact Us



Firm

Serota Properties was founded by Nathan L. Serota, in 1952. Serota Properties is a full service real estate company that specializes in the management and development of a complete commercial property portfolio that runs across multiple property types. Along with a seasoned team of real estate professionals, Mr. Serota and his three sons Charles, Geoffrey and Daniel are focused on the continued growth and expansion of its founder's original vision of excellence.

Our New Development

➤ Islip Pines

„Serota Executives



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::Serota Properties::

Page 1 of 1



(516) 561-9500
70 East Sunrise Highway
Valley Stream, NY 11581

About Us

Firm

Portfolio

News & Events

Contact Us



Company Overview

For over 50 years, Serota Properties has been a developer of first class retail, office and residential property in the greater New York metropolitan area. Founded by Nathan L. Serota, in 1952, the company initially began as a builder of residential homes. However, since that initial group of homes built in Seaford L.I. was completed over five decades ago, Serota Properties has evolved into a full service real estate company. Today, the Serota organization specializes in the management and development of a complete commercial property portfolio that runs across multiple property types. Along with a seasoned team of real estate professionals, Mr. Serota and his three sons Charles, Geoffrey and David are focused on the continued growth and expansion of its founder's original vision of excellence.

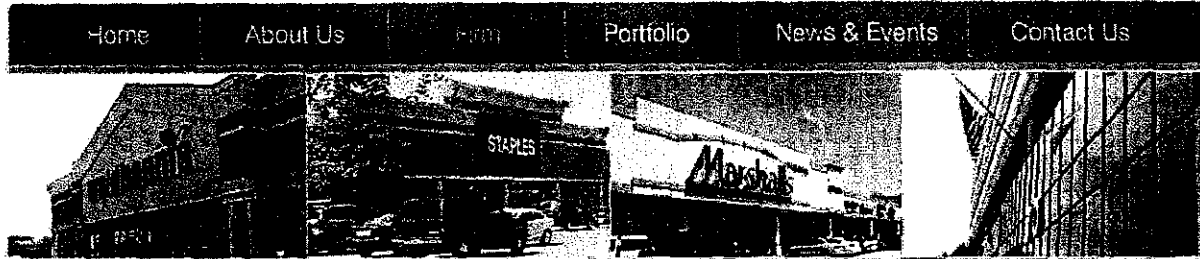
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Designed By LaunchSightSolutions.com

..Serota Properties..

Page 1 of 1



(516) 561-9500
70 East Sunrise Highway
Valley Stream, NY 11581



Firm

Serota Properties was founded by Nathan L. Serota, in 1952. Serota Properties is a full service real estate company that specializes in the management and development of a complete commercial property portfolio that runs across multiple property types. Along with a seasoned team of real estate professionals, Mr. Serota and his three sons Charles, Geoffrey and Daniel are focused on the continued growth and expansion of its founder's original vision of excellence.

Our New Development

Islip Pines

Serota Executives



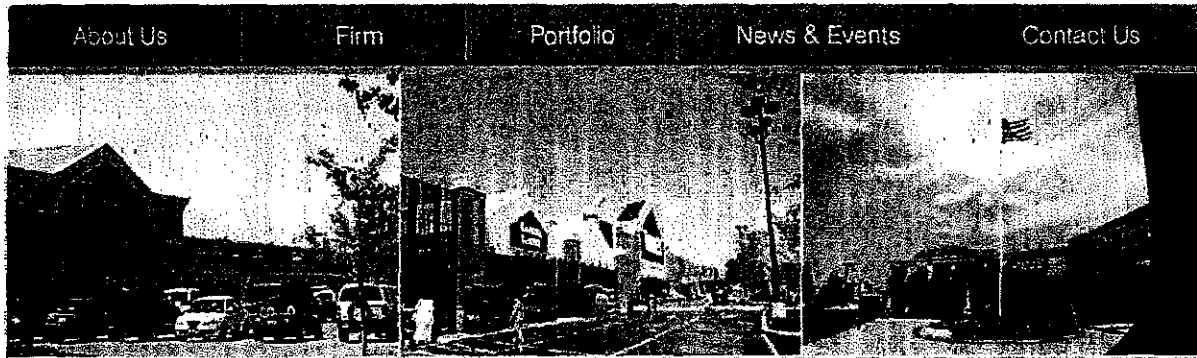
© Copyright 2008-2009 www.Serotaproperties.com. All Rights Reserved
Designed By Launchlight Solutions.com

::Serota Properties::

Page 1 of 1



(516) 581-9500
70 East Sunrise Highway
Valley Stream, NY 11661



Company Overview

For over 50 years, Serota Properties has been a developer of first class retail, office and residential property in the greater New York metropolitan area. Founded by Nathan L. Serota, in 1952, the company initially began as a builder of residential homes. However, since that initial group of homes built in Seaford L.I. was completed over five decades ago, Serota Properties has evolved into a full service real estate company. Today, the Serota organization specializes in the management and development of a complete commercial property portfolio that runs across multiple property types. Along with a seasoned team of real estate professionals, Mr. Serota and his three sons Charles, Geoffrey and Daniel are focused on the continued growth and expansion of its founder's original vision of excellence.

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Designed By LaunchpadProductions.com

SEROTA PROPERTIES

„Serota Properties:“

Page 1 of 1



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Serota Properties was founded by Nathan L. Serota, in 1952. Serota Properties is a full service real estate company that specializes in the management and development of a complete commercial property portfolio that runs across multiple property types. Along with a seasoned team of real estate professionals, Mr. Serota and his three sons Charles, Geoffrey and Daniel are focused on the continued growth and expansion of its founder's original vision of excellence.

Our New Development

➔ Islip Pines

of Serota Executives



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Scrota Properties::

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Company Overview

For over 50 years, Scrota Properties has been a developer of first class retail, office and residential property in the greater New York metropolitan area. Founded by Nathan L. Scrota, in 1952, the company initially began as a builder of residential homes. However, since that initial group of homes built in Seaford L.I. was completed over five decades ago, Scrota Properties has evolved into a full service real estate company. Today, the Scrota organization specializes in the management and development of a complete commercial property portfolio that runs across multiple property types. Along with a seasoned team of real estate professionals, Mr. Scrota and his three sons Charles, Geoffrey and Daniel are focused on the continued growth and expansion of its founder's original vision of excellence.

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Our New Development

☺ Islip Pines


.. Serota Executive



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Company Overview

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Exhibit 4

PTO Form 1478 (Rev. 9/2006)
OMB No. 0651-0009 (Exp. 12/31/2011)

Trademark/Service Mark Application, Principal Register

Serial Number: 85298321

Filing Date: 04/19/2011

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85298321
MARK INFORMATION	
*MARK	\\TICRS\EXPORT\1\IMAGEOUT 1\1\852983\85298321.xml\1\APP0002.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	SP SEROTA PROPERTIES
COLOR MARK	YES
COLOR(S) CLAIMED (If applicable)	The color(s) green, blue, navy and white is/are claimed as a feature of the mark.
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the design of a three- dimensional building structure with green and white stripes on the fascia, and shading forming the side of the building with a square containing the stylized letters S in navy and P in blue incorporated therein and the words SEROTA PROPERTIES in navy in the bottom right corner.
PIXEL COUNT ACCEPTABLE	NO
PIXEL COUNT	273 x 112
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	The Estate of Nathan L. Serota
*STREET	70 East Sunrise Highway, Suite 610
*CITY	Valley Stream
*STATE (Required for U.S. applicants)	New York

*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	11581
PHONE	(516) 561-9500
LEGAL ENTITY INFORMATION	
TYPE	estate
STATE/COUNTRY WHERE LEGALLY ORGANIZED	New York
NAME(S) OF EXECUTOR(S) & CITIZENSHIP/INCORPORATION	Joseph V. Scimone, Executor
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	037
*IDENTIFICATION	real estate development services
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/01/2008
FIRST USE IN COMMERCE DATE	At least as early as 04/01/2008
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\852\983\85298321\xml\1\ APP0003.JPG
SPECIMEN DESCRIPTION	web page
INTERNATIONAL CLASS	036
*IDENTIFICATION	real estate management services
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/01/2008
FIRST USE IN COMMERCE DATE	At least as early as 04/01/2008
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\852\983\85298321\xml\1\ APP0004.JPG
SPECIMEN DESCRIPTION	web page
ATTORNEY INFORMATION	
NAME	Michael Cassidy, Esq.
STREET	70 East Sunrise Highway
CITY	Valley Stream
STATE	New York
COUNTRY	United States

ZIP/POSTAL CODE	11581
PHONE	(516) 561-9500
EMAIL ADDRESS	mcassidy@serotaproperties.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	Michael Cassidy, Esq.
STREET	70 East Sunrise Highway
CITY	Valley Stream
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	11581
PHONE	(516) 561-9500
EMAIL ADDRESS	mcassidy@serotaproperties.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	325
*TOTAL FEE DUE	650
*TOTAL FEE PAID	650
SIGNATURE INFORMATION	
SIGNATURE	/Joseph V. Scimone/
SIGNATORY'S NAME	Joseph V. Scimone
SIGNATORY'S POSITION	Executor
DATE SIGNED	04/19/2011

PTO Form 1476 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register

Serial Number: 85298321

Filing Date: 04/19/2011

To the Commissioner for Trademarks:

MARK: SP SEROTA PROPERTIES (stylized and/or with design, see mark)

The literal element of the mark consists of SP SEROTA PROPERTIES.

The color(s) green, blue, navy and white is/are claimed as a feature of the mark. The mark consists of the design of a three-dimensional building structure with green and white stripes on the fascia, and shading forming the side of the building with a square containing the stylized letters S in navy and P in blue incorporated therein and the words SEROTA PROPERTIES in navy in the bottom right corner.

The applicant, The Estate of Nathan L. Serota, an estate legally organized under the laws of New York, comprising of Joseph V. Scimone, Executor, having an address of

70 East Sunrise Highway, Suite 610
Valley Stream, New York 11581
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 037: real estate development services

In International Class 037, the mark was first used at least as early as 04/01/2008, and first used in commerce at least as early as 04/01/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) web page.

Specimen File1

International Class 036: real estate management services

In International Class 036, the mark was first used at least as early as 04/01/2008, and first used in commerce at least as early as 04/01/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) web page.

Specimen File1

The applicant's current Attorney Information:

Michael Cassidy, Esq.

70 East Sunrise Highway
Valley Stream, New York 11581

United States

The applicant's current Correspondence Information:

Michael Cassidy, Esq.
70 East Sunrise Highway
Valley Stream, New York 11581
(516) 561-9500(phone)
mcassidy@serotaproperties.com (authorized)

A fee payment in the amount of \$650 has been submitted with the application, representing payment for 2 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Joseph V. Scimone/ Date Signed: 04/19/2011
Signatory's Name: Joseph V. Scimone
Signatory's Position: Executor

RAM Sale Number: 6734
RAM Accounting Date: 04/19/2011

Serial Number: 85298321
Internet Transmission Date: Tue Apr 19 08:09:26 EDT 2011
TEAS Stamp: USPTO/BAS-69.193.25.69-20110419080926657
638-85298321-4803bbcf670cccd32f7ed4bece9
8a5ca8b-DA-6734-20110419075903260937



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Company Overview

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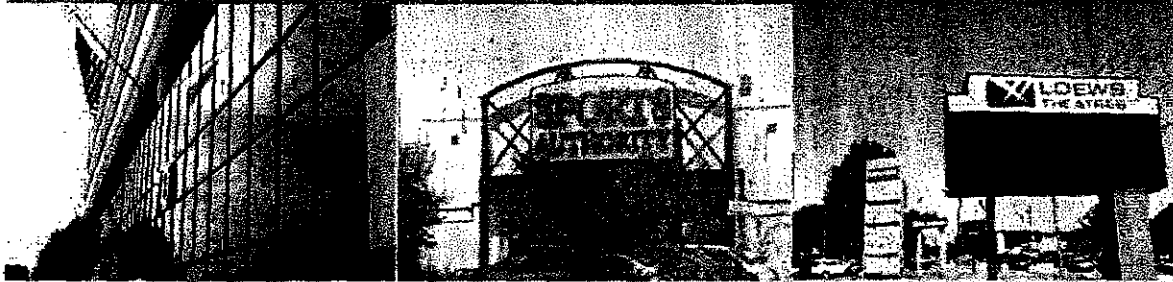
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Exhibit 5

**AMSTER
ROTHSTEIN
& EBENSTEIN LLP**
Intellectual Property Law

90 Park Avenue
New York NY 10016

Main 212 336 8000
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Benjamin Charkow
Robert Burak
Samuel Lo

Suzie Fujimori
David R. Widomski
Jessica Capasso
Brian Aunes, Ph.D.
Andrei Voinescu
Sanjeev Mehta
Michael P. Kochka*
Robert M. Bilotta, Jr.

* Not admitted in New York

March 15, 2012

via E-mail and Federal Express

Anthony F. Lo Cicero

Direct 212 336 8110

E-mail alocicero@arelaw.com

Daniel Serota

Joseph V. Scimone (Executor of the Estate of Nathan L. Serota)

70 East Sunrise Highway, Suite 610

Valley Stream, New York 11581

dserota@serotaproperties.com

jscimone@serotaproperties.com

Re: SEROTA ORGANIZATION and SEROTA BROTHERS marks
Our File: 77000/0003

Dear Messrs. Serota and Scimone:

We are trademark counsel to The Serota Organization and Geoffrey and Charles Serota. As you probably know, our clients have a federal registration for the mark SEROTA ORGANIZATION, U.S. Registration No. 4,051,022 dated November 1, 2011 for real estate development services. In addition, the partnership of Geoffrey and Charles Serota, Serota Brothers, has an application pending for the mark SEROTA BROTHERS, U.S. Serial No. 85520178, also for real estate development services. As reflected in the application, our clients have been using the SEROTA BROTHERS mark in commerce since at least as early as May 1984.

It has come to our attention that you and your real estate business, under the trade name "Serota Properties," have been infringing the SEROTA ORGANIZATION and SEROTA BROTHERS marks. Your unauthorized use of "Serota Properties," which includes the identical "Serota" designation as in our clients' marks, appears to be a blatant and intentional attempt to confuse consumers and capitalize on the renown and goodwill of our clients' marks. Indeed, our clients have experienced instances of actual confusion in the marketplace. We understand that, in addition to using "Serota Properties" in dealings with the public, you are also using the name in connection with at least one real estate developer trade organization. Moreover, you have filed an application to federally register the mark "SP Serota Properties" (U.S. Serial No. 85298321). This application has been rejected based on our clients' SEROTA ORGANIZATION registration.

You and your business' unauthorized and deliberate use of "Serota Properties," among other things, (i) violates our clients' federal and common law trademark rights, (ii) has

507749.1

Daniel Serota
Joseph V. Scimone

2

March 15, 2012

caused and will continue to cause confusion as to the source or affiliation of the "Serota Properties" services, (iii) will dilute the distinctive quality of the SEROTA ORGANIZATION and SEROTA BROTHERS marks and (iv) constitutes unfair competition and an unlawful misappropriation of our clients' valuable rights.

In view of the above, we hereby demand that you and your business (i) immediately cease and desist all use of "Serota Properties," including all sales and promotion of services bearing the "Serota Properties" name; and (ii) immediately withdraw the application to register "SP Serota Properties."

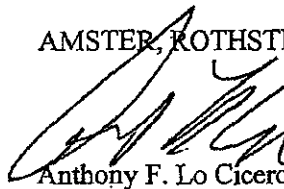
We have been instructed by our clients to take appropriate action to enforce their valuable rights. However, we understand that this matter involves sensitive family issues, and our clients would prefer to settle this matter on an agreed basis. Accordingly, we invite discussions aimed at a negotiated resolution which protects our clients' valuable rights. In the meantime, we reiterate that any unauthorized activities which infringe our clients' valuable rights will be considered willful infringement subjecting you to increased damages.

We look forward to hearing from you as soon as possible.

Nothing in this letter is intended to be a waiver of our clients' rights, all of which are expressly reserved.

Very truly yours,

AMSTER, ROTHSTEIN & EBENSTEIN LLP



Anthony F. Lo Cicero

AFL/MJJ/sb